

House Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

CHAPTER 70

HOUSE BILL 2348

AN ACT

AMENDING TITLE 12, CHAPTER 9, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-1539; AMENDING TITLE 25, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-318.01; AMENDING TITLE 25, CHAPTER 5, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 25-530; RELATING TO MILITARY DISABILITY BENEFITS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 9, article 2, Arizona Revised Statutes,
3 is amended by adding section 12-1539, to read:

4 12-1539. Veterans disability benefits; exemption from seizure

5 A. NOTWITHSTANDING SECTION 12-1521, FEDERAL DISABILITY BENEFITS
6 AWARDED TO VETERANS FOR SERVICE-CONNECTED DISABILITIES PURSUANT TO 38 UNITED
7 STATES CODE CHAPTER 11:

8 1. ARE EXEMPT FROM THE CLAIM OF CREDITORS.

9 2. ARE NOT SUBJECT TO ATTACHMENT, LEVY OR SEIZURE UNDER ANY LEGAL OR
10 EQUITABLE PROCESS, AS PROVIDED BY FEDERAL LAW.

11 3. MAY NOT BE AWARDED TO ANY OTHER PERSON.

12 B. THIS SECTION DOES NOT APPLY TO THAT PORTION OF SERVICE-CONNECTED
13 DISABILITY BENEFITS THAT IS SUBJECT TO CHILD AND SPOUSAL SUPPORT ENFORCEMENT
14 UNDER 42 UNITED STATES CODE SECTION 659(h)(1)(A)(i)(V).

15 Sec. 2. Title 25, chapter 3, article 2, Arizona Revised Statutes, is
16 amended by adding section 25-318.01, to read:

17 25-318.01. Military retirement benefits; disability related
18 waiver

19 IN MAKING A DISPOSITION OF PROPERTY PURSUANT TO SECTION 25-318 OR
20 25-327, A COURT SHALL NOT DO ANY OF THE FOLLOWING:

21 1. CONSIDER ANY FEDERAL DISABILITY BENEFITS AWARDED TO A VETERAN FOR
22 SERVICE-CONNECTED DISABILITIES PURSUANT TO 38 UNITED STATES CODE CHAPTER 11.

23 2. INDEMNIFY THE VETERAN'S SPOUSE OR FORMER SPOUSE FOR ANY PREJUDGMENT
24 OR POSTJUDGMENT WAIVER OR REDUCTION IN MILITARY RETIREMENT OR RETAINER PAY
25 RELATED TO RECEIPT OF THE DISABILITY BENEFITS.

26 3. AWARD ANY OTHER INCOME OR PROPERTY OF THE VETERAN TO THE VETERAN'S
27 SPOUSE OR FORMER SPOUSE FOR ANY PREJUDGMENT OR POSTJUDGMENT WAIVER OR
28 REDUCTION IN MILITARY RETIREMENT OR RETAINER PAY RELATED TO RECEIPT OF THE
29 DISABILITY BENEFITS.

30 Sec. 3. Title 25, chapter 5, article 1, Arizona Revised Statutes, is
31 amended by adding section 25-530, to read:

32 25-530. Spousal maintenance; veterans disability benefits

33 IN DETERMINING WHETHER TO AWARD SPOUSAL MAINTENANCE OR THE AMOUNT OF
34 ANY AWARD OF SPOUSAL MAINTENANCE, THE COURT SHALL NOT CONSIDER ANY FEDERAL
35 DISABILITY BENEFITS AWARDED TO THE OTHER SPOUSE FOR SERVICE-CONNECTED
36 DISABILITIES PURSUANT TO 38 UNITED STATES CODE CHAPTER 11.

APPROVED BY THE GOVERNOR APRIL 16, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2010.